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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,108	03/31/2004	Sushil Kumar Kaura	11378.61US01	5192
23552	7590	03/28/2008		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER ANGEBRANDT, MARTIN J	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 03/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,108

Applicant(s)

KAURA ET AL.

Examiner

Martin J. Angebrandt

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The response of the applicant has been read and given careful consideration. Rejection of the previous office action, not repeated below are withdrawn based upon the arguments and amendment of the applicant. Response to the arguments are presented after the first rejection to which they are directed.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-13 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977).

See the figure 1a, which shows the recording of the primary holograms to form a slit hologram and used to record the final hologram as illustrated in figure 1b. Figure 1b shows the slit hologram, the use of a beam splitter, 5 plane mirrors, and various lenses to expand the laser beams for the reference and object arms.

The claims rejected under this heading do not exclude a naturally multicolored object and the use of visual appearance as a authentication/verification means.

The applicant fails to appreciate that due to the difficulty in forming a holograms, all holographic articles inherently function as security devices. Claim 1, which was rejected under this heading now includes encrypted information, which the examiner interprets to be information cannot be appreciated with the unaided eye. This includes the use of a key hologram in the recording process as discussed at [0001-0005,008,0041,0085,0090]. This feature is not required by the limitations of claims 2-13.

5. Claims 2-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977), in view of Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) or Kellie '633.

Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, in figures 6 and 7 on page 1257, shows color images reconstructed from a hologram where different areas have different colors. The grating values correspond to the grating periods (d). See [0024] of the prepub of the instant specification for support for this interpretation.

Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) in figure 5 which shows the recorded full color hologram.

Kellie '633 in figure 1a which uses a multicolored potted flower as the object.

It would have been obvious to one skilled in the art to modify the process of Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977) by using multicolored objects such as those disclosed by Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 (08/2001) or Kellie '633 with a reasonable expectation of forming a useful rainbow hologram based upon the formation of holograms of these images by Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 (08/2001) or Kellie '633.

The rejection stands for the reasons above without further comment as no further arguments were directed at this rejection.

6. Claims 1 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. JP 05-166017 (machine translation attached) and Aggarwal et al., "encoded reference wave security holograms with enhanced features", J. Opt. A: Pure Appl. Opt., Vol. 6(2) pp. 278-281 (01/2004).

Yamazaki et al. JP 05-166017 teaches the recording of a rainbow hologram by forming the slit master (14) in figure 3a of the original object (11). The rainbow hologram is recorded in figure 3b using the master. Replay of the rainbow hologram with white light reproduces the slit image from the slit master. [0012-0013]. The use of this technique with multicolored rainbow holograms is disclosed [0007,0014]. The slit images is judged by a CCD camera or the like [0015]. The use of this with a multicolor rainbow holograms is disclosed. [0018].

Aggarwal et al., “encoded reference wave security holograms with enhanced features”, J. Opt. A: Pure Appl. Opt., Vol. 6(2) pp. 278-281 (01/2004) teaches forming an encoded key hologram where the object arm has random phase in the path (figure 2). The key hologram is then used to form a second hologram, where the beam passing through the key hologram is considered the reference beam and the object beams are focused. (figure 3). Upon replay of the key holograms such that it generates the reference beam for the security hologram, the focusing of the object beams is reproduced and can be detected by CCD cameras or the like (see figure 4). The applicant is also referred to the accompanying text. A HeNe laser is used for the recording. The analysis of colors of holograms is also disclosed as is the use of photographic or CCD cameras to capture the image (page 278)

It would have been obvious to modify the recording process of Yamazaki et al. JP 05-166017 by focussing of the reference beam (the object beam in the parlance of Aggarwal et al) when forming the rainbow hologram in the process illustrated by figure 3b and to perform the replay shown in figure 3c using an encoded reference beam generated by the slit holographic master to achieve verification that the slit master corresponded to the rainbow hologram using CCD detectors as taught by Aggarwal et al, with a reasonable expectation of success based upon the use of CCD detection in both references to detect focused images generated by the encoded/rainbow hologram. Further, it would have been obvious to use a HeNe laser in the recording and replay processes based upon the use of this laser by Aggarwal et al in the prior art.

Noting that in the prior art and the instant claims, the holograms are multicolor rainbow holograms or encoded holograms, the choice of particular objects to be recorded in the

holograms is a matter of design choice or constitutes printed matter, without a new, specific relationship with the substrate/medium and so cannot confer patentability upon the claims.

The examiner holds that the assignment of the locations of the colors recited in the claims may be made by simple choice of the object of the hologram as the claims are not directed to a computer generated hologram of the like. Also contrary to the argued position, the Yamazaki et al. JP 05-166017 does not teach away from the claimed invention, but does teach the replay of multiplexed holograms having different colors to be at different specific positions as illustrated in figure 2 which allows the hologram to be verified using a CCD camera or the like [0016], which is congruent with the effect of using a key hologram as discussed by Aggarwal et al., “encoded reference wave security holograms with enhanced features”, J. Opt. A:Pure Appl. Opt., Vol. 6(2) pp. 278-281 (01/2004). The applicant is directed to the prepub of the instant specification at [0001-0005,008,0041,0085,0090] which discusses the use of a key hologram in the recording process and particularly figures 3 and 4 and the discussion at [0085-0087] relating to the recording and readout using the key hologram. The text in Yamazaki et al. JP 05-166017 discusses the use of the direction of different colors of light to different detectors as illustrated in figure 2, and does not teach away from the claimed invention, particularly when combined with Aggarwal et al., “encoded reference wave security holograms with enhanced features”, J. Opt. A:Pure Appl. Opt., Vol. 6(2) pp. 278-281 (01/2004) who teaches the use of a key hologram to achieve the same effect.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. JP 05-166017 (machine translation attached) and Aggarwal et al., “encoded reference wave security holograms with enhanced features”, J. Opt. A:Pure Appl. Opt., Vol. 6(2) pp. 278-281

(01/2004), further in view of Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977), Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) or Kellie '633.

To address other embodiments bounded by the claims, in particular the case where particular objects are used which have different pure colors in different sections and to evidence the use of HeNe lasers in formation multicolor rainbow holograms, the examiner cites Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977), Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) and Kellie '633 and holds that it would have been obvious to one skilled in the art to modify the processes rendered obvious by the combination of Yamazaki et al. JP 05-166017 (machine translation attached) and Aggarwal et al., "encoded reference wave security holograms with enhanced features", J. Opt. A:Pure Appl. Opt., Vol. 6(2) pp. 278-281 (01/2004) by using HeNe lasers in the recording of at least one of the original exposures of Yamazaki et al. JP 05-166017 to record the red data as taught by Hariharan et al. "Multicolor holographic images with a white light source", Opt. Lett., Vol. 1(1) p 8-9 (07/1977) and use any known multicolored objects such as those disclosed by Lin et al. "Experimental techniques in making multicolor white light reconstructed holograms", Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. "Rainbow holographic camera" Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) or Kellie '633 with a reasonable expectation of forming a useful rainbow hologram based upon the formation of holograms of these images by Lin et al. "Experimental techniques in

making multicolor white light reconstructed holograms”, Appl. Opt., Vol. 6(7) pp. 1255-1258, Liu et al. “Rainbow holographic camera” Opt. Lett. Vol. 26(15) pp. 1146-1148 ((08/2001) or Kellie ‘633.

The rejection stands for the reasons above without further comment as no further arguments were directed at this rejection.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J. Angebrannt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin J Angebranndt/
Primary Examiner, Art Unit 1795

Martin J Angebranndt
Primary Examiner
Art Unit 1756

3/24/2008